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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,030	09/05/2003	Martin Riedi	1.246.03	8471

7590 04/21/2005
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EXAMINER

MISKA, VIT W

ART UNIT	PAPER NUMBER
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2841

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/656,030	Applicant(s) RIEDI ET AL	
	Examiner Vit W. Miska	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 10-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/22/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-27 rejected under 35 U.S.C. 103(a) as being unpatentable over McDonald et al in view of Robertsen.
2. With respect to claim 1, the McDonald reference discloses a timepiece structured to determine elapsed time from a specific event, including housing 12, display 18 of elapsed time, processor 40 with chronographic application (see col. 5, line 56), activation assembly 30 cooperating with processor 40 for instigating monitoring of elapsed time from the specific event to the current time.
3. With regard to the remaining claims, McDonald further discloses display 18 including display 26 of current elapsed time in a plurality of intervals (at least two different pairs), memory 50 for storing an original input time of the specific event, including a capability of plurality of different original input times (see col. 8, line 8), the capability for memory 50 to automatically restore the original input time in the event of power failure (see col. 7, line 52).

4. McDonald et al does not disclose a restrictive designation application for limiting selection of the specific event to a single event or to a plurality of events. This feature, however, is taught by Robertsen in a programmable timing device. At col. 4, lines 11ff patentee describes a LOCKOUT feature "whereupon the any further input pulses provided by anyone depressing the programming switch 10 are logically locked out and effectively prevented from entering the up-down counter. This means that when the parent programs the device, after 30 seconds or some other design-selectable short interval, the child or other user cannot change the programmed count." It would therefore be obvious for one of ordinary skill in the art, at the time the invention was made, to provide this feature in the McDonald et al timepiece in order to prevent resetting or changing of the original input time events and to make such entries permanent. Because both references are directed to time measuring devices, such modification of the McDonald et al device with the teaching of Robertsen would be further rendered obvious. The teaching of Robertsen would be applied to McDonald et al for limiting either a single event (the primary feature thereof), or to a plurality of events, as suggested at col. 8, line 8.

5. Regarding claim 14, Robertsen further suggests a predetermined time period (30 seconds), as noted above, subsequent to which resetting is restricted. This feature would likewise be an obvious modification in McDonald et al to allow the user a predetermined time period during which resetting and changes to the input event time could be made.


6. With respect to claims 8-11, 20,21, 26 and 27, the limited access application structured to restrict access to the memory and the input times stored therein is met in McDonald et al with EEPROM 50 being inaccessible except when access is defeated by entry of data thereto by means of keyboard 28.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vit W. Miska whose telephone number is 571-272-2108. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, K. Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VM
4/15/2005



Vit Miska
Primary Examiner